

FEMA Answers Schumer's Call to Abandon All-or-Nothing Approach, Will Modify Current Levee Policy Leading To Improved Accuracy – Schumer, Hinchey Demand Specific Plans and Vow To Keep Fighting For Fair And More Accurate Maps

Schumer, Hinchey Press FEMA For Details On The New Policy's Impact On The Southern Tier, Outline Legislative Efforts to Delay Flood Insurance Premiums

Hinchey To Reintroduce Flood Insurance Fairness Act Legislation

Today, U.S. Senator Charles E. Schumer and Congressman Maurice Hinchey announced their new efforts to ensure that the Federal Emergency Management Agency (FEMA) does not force Southern Tier homeowners to spend thousands of dollars on unnecessary flood insurance through flawed and inaccurate maps that fail to reflect communities' efforts and infrastructure to mitigate potential flooding. Standing with members of the Broome County Flood Task Force, Schumer announced that FEMA has agreed to his request to abandon its old flood mapping policy that ignored existing levees and other mitigation structures, and pressed FEMA to develop a new plan that takes into account towns' and municipalities' efforts to prevent flooding. Schumer and Hinchey demanded: that FEMA clarify the criterion by which they will evaluate levees and how they will be incorporated into new and existing flood maps, that the agency delay the due date of mandatory engineering certifications for flood mitigation structures while FEMA comes up with new levee standards, and that FEMA proactively explain the new levee policy and expected release dates for new and revised maps to Southern Tier municipalities. Hinchey announced that he is reintroducing the Flood Insurance Fairness Act that will ease the financial burden on families in the Southern Tier that must purchase flood insurance.

"FEMA's agreement to revise their all-or-nothing approach to pre-existing levees and flood mapping is a step in the right direction, but we aren't celebrating yet," Schumer said. "Now, we must make sure that FEMA redraws flood maps that accurately reflect the flood risk in those areas, and coordinates in a fair and timely manner with the towns and communities in the Southern Tier. While, of course, Congressman Hinchey and I value the protection that FEMA's flood mapping provides, many Southern Tier communities have taken the appropriate precautions to mitigate flooding and to protect their homes and businesses, and those efforts need to be better reflected in the mapping process. I will keep up the fight to make sure that bureaucrats don't force those Southern Tier families who are actually not at-risk to cough up thousands of their hard-earned dollars for unnecessary flood insurance."

"For years, I've worked to deliver funding for flood walls and levees and also for studies to determine what else can be done to prevent flooding," Hinchey said. "Nevertheless, the problem continues to persist and now many home and small business owners are seeing their properties re-mapped into flood zones even if they've never experienced a flood. I'm now working with Senator Schumer to ensure that FEMA's flood map process is conducted in a way that is fair. I'll be introducing legislation next week to ensure that any new requirement to purchase flood insurance is phased in over a long period of time and in a way that lessens the financial impact on residents in the Southern Tier. At a time when so many Southern Tier households are faced with many financial hurdles, we need to find every way possible to eliminate or alleviate the financial burden associated with purchasing flood insurance."

FEMA is in the midst of the difficult but critical process of redrawing flood maps. As FEMA continues to map New York and the rest of the country, Schumer states that it is imperative that the new and revised flood insurance rate maps utilize the most advanced mapping techniques, use the best data available, and take currently existing flood mitigation structures, like levees, into account. The consequences of any alternative could be financially devastating to New Yorkers. The placement of a property into a flood zone has serious ramifications for both the property owner and the surrounding community. The designation carries a significant financial burden for the property owner, adding approximately \$2,000 to his or her annual expenses. Additionally, adding a property or structure into the special flood hazard area can create a disincentive for purchase or development of that property, adversely impacting local and regional growth. Particularly, Schumer and Hinchey point to the fact that the Southern Tier has benefitted from the protection that its levees have provided, so FEMA's decision to refine its mapping methodology to include levees and other mitigation structures is a step in the right direction. However, FEMA needs to do more to update communities impacted by its policy shift.

In their letter, Schumer and Hinchey demand that FEMA answer numerous questions. First, that FEMA clarify the criterion by which they will evaluate levees and to what extent the financial burden of meeting these criterion will fall on the Southern Tier communities. They make this request because communities must fund their own expensive engineering studies and present the findings to FEMA before a levee will be certified. These studies are extremely costly, and can potentially cripple a locality's annual budget.

Schumer and Hinchey also insist that FEMA delay the due date of mandatory engineering certifications for flood mitigation structures while FEMA devises new levee standards. Many communities in the Southern Tier, such as the Villages of Whitney Point and Nichols, have already undertaken these expensive engineering studies to meet FEMA's certification requirements and should be given more time while FEMA revises its policy. As FEMA's rules

change, towns that have already invested in engineering studies must wait for clarification. It is therefore critical that FEMA delay the due date of the engineering certification while the levee policy is clarified.

Finally, Schumer and Hinchey ask that FEMA proactively explain the new levee policy and expected release dates for new and revised maps to Southern Tier towns and municipalities. This is especially important for towns that have already invested in flood mapping studies, and that need to be made aware of changes and new deadlines.

Congressman Hinchey announced that next week he will reintroduce the Flood Insurance Fairness Act to allow property owners who face a new requirement to purchase flood insurance to delay the need to purchase flood insurance for up to five years and pay a reduced fee for five years when they decide to purchase insurance. The bill would also ensure that property owners who successfully challenge a FEMA flood risk assessment are provided with financial reimbursement for costs incurred during the appeal process. Last year, Hinchey successfully attached several of the bill's provisions to a reauthorization of the National Flood Insurance Program that passed the House. Senator Schumer plans to introduce similar legislation in the Senate.

A copy of Senator Schumer and Congressman Hinchey's letter to FEMA Administrator Craig Fugate appears below:

March 23, 2011

The Honorable Craig Fugate
Federal Emergency Management Agency
U.S. Department of Homeland Security
500 C Street, SW
Washington, D.C. 20472

Dear Administrator Fugate:

We write today in response to your letter dated March 10, 2011. It was with great interest that we learned FEMA will be re-evaluating its current mapping methodology, and abandoning its all-or-nothing approach with regard to flood mitigation structures, namely levees.

FEMA has undertaken the important task of reviewing and remapping properties across the country to ensure that they are protected against catastrophic loss from flooding. This is an ambitious task and will not be completed perfectly on the first try. As FEMA continues to map New York and the rest of the country, it is imperative that the new and revised flood insurance rate maps utilize the most advanced mapping techniques, use the best data available, and take existing flood mitigation structures, like levees, into account. The consequences of not doing so can be devastating.

The placement of a property into a flood zone will have serious ramifications for both property owner and surrounding community. The designation carries a significant financial burden for the property owner, adding approximately \$2,000 to his or her annual expenses. Additionally, adding a property or structure into the special flood hazard area can create a disincentive for purchase or development of that property, adversely impacting local and regional growth.

We are particularly concerned about how FEMA's new levee policy will impact communities across the Southern Tier of New York State. This region has benefitted from the protection that its levees have provided, so FEMA's decision to refine its mapping methodology to include levees and other mitigation structures is welcome news. However, FEMA needs to do more to update communities impacted by its policy shift.

First, FEMA must clarify what criterion FEMA will utilize when evaluating levees and what burden will fall to the communities to meet these criterion. As you know, under the current system a community must fund its own expensive engineering study and present the findings to FEMA before a levee will be certified. The cost of such studies is considerable, sometimes costing as much as twice an annual budget.

Additionally, some communities, such as the Villages of Whitney Point and Nichols, have already entered into PAL agreements as they undertake the aforementioned engineering studies to meet FEMA's certification requirements. These villages are trying to play by the rules, but the rules have changed and have yet to be clarified. It is, therefore, critical that FEMA delay the due date of the engineering certification while it fleshes out its levee policy.

Lastly, FEMA must reach out to impacted communities like Whitney Point and Nichols and carefully explain its new levee policy and when final map determinations will be made as a result of this change.

FEMA's decision to change its "without levee" policy is a step in the right direction, but our local elected officials and residents need more details and an understanding of how this impacts them.

Thank you for your attention to this important issue, and we look forward to hearing from you soon. Please contact Grant Kerr at 202-224-6542 or Liam Fitzsimmons at 202-225-6335 should you have questions or need additional information.

Sincerely,

Charles E. Schumer
United States Senator

Maurice Hinchey
Member of Congress